

AMENDED IN SENATE APRIL 16, 2002
AMENDED IN SENATE FEBRUARY 7, 2002
AMENDED IN ASSEMBLY MAY 10, 2001
AMENDED IN ASSEMBLY APRIL 25, 2001
AMENDED IN ASSEMBLY APRIL 19, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1350

Introduced by Assembly Member Canciamilla

February 23, 2001

An act to add ~~Section 625.1 to~~ *and repeal Section 625.1 of the Public Utilities Code*, relating to gas corporations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1350, as amended, Canciamilla. Gas corporations: condemnation.

(1) Existing law prohibits a public utility that offers competitive services, other than a railroad corporation, a refined petroleum product common carrier pipeline corporation, or a water corporation, or an electrical company or gas corporation that needs to meet its commission-ordered obligation to serve, from condemning any property for the purpose of competing with another entity in the offering of those competitive services, unless the Public Utilities Commission finds that ~~such an action~~ *the condemnation* would serve the public interest.

This bill would ~~provide that~~ authorize, notwithstanding the above prohibition, a gas corporation ~~public utility may~~ to exercise the power of eminent domain to condemn any property for the purpose of competing with another entity in the offering of natural gas and services related to natural gas, but only ~~to as to such~~ as to property for which the gas corporation ~~public utility~~ has filed a complaint in eminent domain in superior court on or before ~~December~~ October 31, 2002. The bill would also provide that it shall become inoperative on ~~December~~ October 31, 2002, and, as of ~~June~~ April 1, 2003, is repealed.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 625.1 is added to the Public Utilities
2 Code, to read:

3 625.1. (a) Notwithstanding Section 625, a gas corporation
4 ~~public utility~~ may exercise the power of eminent domain,
5 including, but not limited to, any authority provided by Title 7
6 (commencing with Section 1230.010) of Part 3 of the Code of
7 Civil Procedure, to condemn any property for the purpose of
8 competing with another entity in the offering of natural gas and
9 services related to natural gas, but only as to ~~such~~ property for
10 which the gas corporation ~~public utility~~ has filed a complaint in
11 eminent domain in superior court on or before ~~December~~ October
12 31, 2002.

13 (b) This section shall become inoperative on ~~December~~
14 October 31, 2002, and, as of ~~June~~ April 1, 2003, is repealed, unless
15 a later enacted statute that is enacted before ~~December~~ October 31,
16 2002, provides to the contrary.

17 SEC. 2. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety
19 within the meaning of Article IV of the Constitution and shall go
20 into immediate effect. The facts constituting the necessity are:

21 In order to immediately authorize the necessary condemnation
22 of property by a gas corporation ~~public utility~~ for the purpose of
23 competing with another entity offering natural gas and services

- 1 related to natural gas prohibited by existing law, it is necessary that
- 2 this act take effect immediately.

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